

REMARKS / ARGUMENTS

In view of the amendments above and the remarks and arguments presented below, Applicant believes the pending application is in condition for allowance.

I. Status of the Claims

Claims 1-8, 11, 21, 23-29, and 31-37 were previously pending.

Claims 1, 4-7, 21, 23-27, 31, 32, and 34-37 are amended in this Amendment so that the currently pending claims will encompass only Groups I, XIII, and XV. No new matter is introduced by these claim amendments.

Claim 1 is further amended to incorporate the elements of now-canceled claim 2, which depended from claim 1. No new matter is introduced by this claim amendment.

Claims 9, 10, 12-20, 22, and 30 were previously canceled without prejudice to or disclaimer of the subject matter contained therein.

Claims 2, 3, and 11 are canceled in this Amendment without prejudice to or disclaimer of the subject matter contained therein.

New claim 38 is added in this Amendment. Support for this new claim can be found in the clean copy of substitute Specification filed on September 20, 2006, for example, on page 14, line 19 through page 15, line 2. No new matter is introduced by claim 38.

Upon entry of this Amendment, claims 1, 4-8, 21, 23-29, and 31-38 are pending and at issue.

II. Restriction Requirement

In the Office Action mailed May 15, 2009, the Examiner has required restriction to one of the following 26 Groups under 35 U.S.C. §§ 121 & 372.

- Group I, claims 1-8, 11, 21, and 23-29, drawn to methods of treating cancer comprising administering a compound of Formula I, IIa, IIb, IIc, or IId, wherein V1, V2, V3, and V4 form a benzene ring.

- Group II, claims 1-8 and 24-29, drawn to methods of treating cancer comprising administering a compound of Formula I, IIa, IIb, IIc, or IId, wherein V1, V2, V3, and V4 form a pyridine ring.
- Group III, claims 1-2, 4-8, and 28-29, drawn to methods of treating cancer comprising administering a compound of Formula I wherein V1, V2, V3, and V4 form a thiophene ring.
- Group IV, claims 1-2, 4-8, and 28-29, drawn to methods of treating cancer comprising administering a compound of Formula I wherein V1, V2, V3, and V4 form a furan ring.
- Group V, claims 1-2, 4-8, and 28-29, drawn to methods of treating cancer comprising administering a compound of Formula I wherein V1, V2, V3, and V4 form a pyrazole ring.
- Group VI, claims 1-2, 4-8, and 28-29, drawn to methods of treating cancer comprising administering a compound of Formula I wherein V1, V2, V3, and V4 form an imidazole ring.
- Group VII, claims 1-2, 4-8, and 28-29, drawn to methods of treating cancer comprising administering a compound of Formula I wherein V1, V2, V3, and V4 form a pyrimidine ring.
- Group VIII, claims 1-2, 4-8, and 28-29, drawn to methods of treating cancer comprising administering a compound of Formula I wherein V1, V2, V3, and V4 form a pyrazine ring.
- Group IX, claims 1-2, 4-8, and 28-29, drawn to methods of treating cancer comprising administering a compound of Formula I wherein V1, V2, V3, and V4 form a pyridazine ring.
- Group X, claims 1-2, 4-8, and 28-29, drawn to methods of treating cancer comprising administering a compound of Formula I wherein V1, V2, V3, and V4 form a thiazole ring.
- Group XI, claims 1-2, 4-8, and 28-29, drawn to methods of treating cancer comprising administering a compound of Formula I wherein V1, V2, V3, and V4 form an isothiazole ring.
- Group XII, claims 1-2, 4-8, and 28-29, drawn to methods of treating cancer comprising administering a compound of Formula I wherein V1, V2, V3, and V4 form a thiophene ring.
- Group XIII, claims 31-32 and 34-37, drawn to compounds of Formula I or II, wherein V1, V2, V3, and V4 form a benzene ring.

- Group XIV, claims 31-32 and 34-37, drawn to compounds of Formula I or II, wherein V1, V2, V3, and V4 form a pyridine ring.
- Group XV, claim 33, drawn to a pharmaceutical composition comprising a compound as defined in claim 1, wherein V1, V2, V3, and V4 form a benzene ring.
- Group XVI, claim 33, drawn to a pharmaceutical composition comprising a compound as defined in claim 1, wherein V1, V2, V3, and V4 form a pyridine ring.
- Group XVII, claim 33, drawn to a pharmaceutical composition comprising a compound as defined in claim 1, wherein V1, V2, V3, and V4 form a thiophene ring.
- Group XVIII, claim 33, drawn to a pharmaceutical composition comprising a compound as defined in claim 1, wherein V1, V2, V3, and V4 form a furan ring.
- Group XIX, claim 33, drawn to a pharmaceutical composition comprising a compound as defined in claim 1, wherein V1, V2, V3, and V4 form a pyrazole ring.
- Group XX, claim 33, drawn to a pharmaceutical composition comprising a compound as defined in claim 1, wherein V1, V2, V3, and V4 form an imidazole ring.
- Group XXI, claim 33, drawn to a pharmaceutical composition comprising a compound as defined in claim 1, wherein V1, V2, V3, and V4 form a pyrimidine ring.
- Group XXII, claim 33, drawn to a pharmaceutical composition comprising a compound as defined in claim 1, wherein V1, V2, V3, and V4 form a pyrazine ring.
- Group XXIII, claim 33, drawn to a pharmaceutical composition comprising a compound as defined in claim 1, wherein V1, V2, V3, and V4 form a pyridazine ring.
- Group XXIV, claim 33, drawn to a pharmaceutical composition comprising a compound as defined in claim 1, wherein V1, V2, V3, and V4 form a thiazole ring.
- Group XXV, claim 33, drawn to a pharmaceutical composition comprising a compound as defined in claim 1, wherein V1, V2, V3, and V4 form an isothiazole ring.
- Group XXVI, claim 33, drawn to a pharmaceutical composition comprising a compound as defined in claim 1, wherein V1, V2, V3, and V4 form a thiophene ring.

In response, Applicant elects Group I, encompassed by claims 1, 4-8, 21, and 23-29 and new claim 38, **with traverse**. Claims 2, 3, and 11 have been canceled in this Amendment.

Applicant respectfully traverses the Restriction Requirement. Applicant contends that at least Groups I, XIII, and XV share an inventive concept and do not place an undue search burden on the Examiner. Groups I, XIII, and XV are encompassed by the currently pending claims 1, 4-8, 21, 23-29, and 31-38. Thus, Applicant respectfully requests reconsideration and withdrawal of the Restriction Requirement, and that all pending claims be examined on the merits.

Further, the Examiner has required election of a single species for prosecution on the merits.

In response, Applicant elects “6,7-difluoro-3,3-bis-(4-hydroxy-phenyl)-1,3-dihydro-indol-2-one” **with traverse**. This is “compound 41” as defined in the clean copy of substitute Specification filed on September 20, 2006, on page 44, lines 27-29, and is a compound of Formula (I) of amended claim 1 wherein R¹ and R² are fluorine atoms, R³ and R⁴ are hydrogen atoms, and X¹ and X² are hydroxyl groups. Claims 1, 4-8, 21, 23-25, 28, and 29 and new claim 38 are readable on the elected species.

Applicant respectfully traverses the requirement of election of species. Claims 1 and 24-27 are generic claims, which Applicant respectfully submits are allowable. In addition, Applicant contends that these generic claims do not recite or encompass such a multiplicity of species that would necessitate an unduly extensive or burdensome search. Thus, Applicant respectfully requests reconsideration and withdrawal of the requirement of species election, and that the generic claims be examined on the merits. Of the pending claims, claims 1, 4-8, 21, 23-25, 28, 29, 31-34, 37, and 38 are readable on the elected “6,7-difluoro-3,3-bis-(4-hydroxy-phenyl)-1,3-dihydro-indol-2-one.”

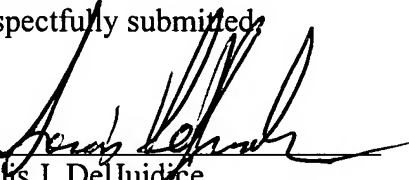
CONCLUSION

An early examination is respectfully requested. It is believed that pending claims 1, 4-8, 21, 23-29, and 31-38 are in immediate condition for allowance and it is respectfully requested that they be allowed and the case passed to issue.

If there are any other issues remaining which the Examiner believes could be resolved through a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Dated: June 9, 2009

Respectfully submitted,

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